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FILED
Clerk
District Court

NOV - 8 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

ANGELO M. LABORCE,

Plaintiff,

v.

S-WON INC., P&S, INC., YOUNG
KYUN KIM, JOHN GERALD
PANGELINAN, DANIEL MUNA
QUITUGUA, DARREL MUNA
QUITUGUA and JOE CRISOSTOMO,

Defendants.

Civil Action No. 05-

0036

**APPLICATION FOR
PRE-JUDGMENT ATTACHMENT**

Date:
Time:
Judge: Alex R. Munson

COMES NOW the Plaintiff, by and through counsel and respectfully applies to this Court for a Writ of Prejudgment Attachment against Defendants S-Won Corporation (S-WON) and Mr. Young Kyun Kim (KIM), pursuant to Rule 64 of the Federal Rules of Civil Procedure and 7 CMC § 4201 to attach the a) assets of Defendant KIM's bank account in Bank of Hawaii, Account NO. 0032-025250; b) and all other bank accounts that Defendants S-WON and KIM may have in the CNMI.


1. Plaintiff has filed the above-titled Civil Action against Defendants S-Won Corporation and Young Kyun Kim for the recovery of money owed by Defendants to Plaintiff, by way of their failure to secure a workers compensation insurance for the benefit of Plaintiff.

2. As alleged in Plaintiff's complaint, Defendant S-WON is a corporation formed and existing in the Commonwealth of the Northern Mariana Islands. Defendant KIM is the sole shareholder of Defendant S-WON. Defendants have no known assets in the Commonwealth except for bank accounts and automobiles within the CNMI.
3. Upon information and belief, Defendant KIM abused S-WON's corporate form by undercapitalization, failure to observe corporate formalities, nonpayment of dividends, siphoning of corporate funds, non functioning of officers or directors, absence of corporate records, use of the corporate form as a facade for the operations of Defendant KIM as the sole stockholder and use of the corporate form in promoting injustice.
3. Upon information and belief, Defendants have plans on closing their business in the CNMI in the very near future.
4. Upon information and belief, Defendant KIM, the sole shareholder of Defendant S-WON, no longer resides in the CNMI and for the past six months, has only been back in the CNMI two times.
5. Prior to filing the complaint in this matter, Plaintiff's attorneys have been promised in three different occasions by representatives of Defendants that they will appear in a meeting with Plaintiff's attorneys to settle their obligation to Plaintiff.
6. At each appointment neither Defendants nor their representatives appeared at the meeting.
7. A Writ of Prejudgment Attachment is necessary in this case because of the possibility that Defendants will be able to dispose of their remaining assets before a judgment may be obtained in this matter.

1 This application is supported by a Declaration of Eric Smith and the pleadings and
2 files in this matter.

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4 RESPECTFULLY SUBMITTED.

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6 Date: November 4, 2005


ERIC S. SMITH
Attorney for Plaintiff